

09-0113

JAP:MTB
F.#2008RO2096

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

- against -

SHAWANA KING,
BENJAMIN RIVERS, and
DERRICK WHITE,

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANTS

(T. 18, U.S.C., §
1029(a)(2))

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

JOHN COOK, being duly sworn, deposes and states that he is a Special Agent with the United States Secret Service ("USSS"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between September 23, 2008 and February 3, 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SHAWANA KING, BENJAMIN RIVERS, and DERRICK WHITE, knowingly and with intent to defraud, did use one or more unauthorized access devices, during any one year period, and by such conduct did obtain things of value aggregating \$1,000 or more during that period, which conduct affected interstate commerce.

(Title 18, United States Code, Section 1029(a)(2))

The source of your deponent's information and the

grounds for her belief are as follows:¹

1. I have been a Special Agent with the USSS for approximately one and a half years. In the course of my tenure with the USSS, I have been involved in numerous investigations involving the prosecution of financial crimes. In the course of these investigations, I have executed search warrants; reviewed bank and other records; debriefed cooperating defendants; and secured other relevant information using other investigative techniques.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of this investigation from: (a) my personal participation in this investigation, (b) reports made to me by other law enforcement authorities, and (c) information obtained from other investigative techniques, including contact with fraud departments at banks and businesses.

BACKGROUND OF THE INVESTIGATION: THE SHIPMENTS

3. On or about September 23, 2008, Customs and Border Protection ("CBP") in Alaska intercepted a FedEx package ("SHIPMENT 1") addressed to SHAWANA KING at 1241 East 89 Street, Brooklyn, New York. SHIPMENT 1 had been shipped from an address

¹ Because this affidavit is submitted for the limited purpose of establishing probable cause for a arrest warrants, I have not set forth each and every fact learned during the course of the investigation.

in Hong Kong.

4. SHIPMENT 1 was opened by CBP officials and found to contain approximately 18 credit cards. The cards were embossed with account numbers and names; 11 of the cards were in the name SHAWANA KING and five of them were in the name DERRICK WHITE. The cards also had magnetic strips with account information. Follow up investigation indicated that the account numbers embossed on the fronts of the credit cards and the magnetic strips from the back of the credit cards from SHIPMENT 1 were linked to actual credit card accounts belonging to people other than DERRICK WHITE or SHAWANA KING.

5. Also on or about September 23, 2008, CBP officials in Alaska intercepted a second FedEx package ("SHIPMENT 2") addressed to DERRICK WHITE at 1097 East 93 Street, Brooklyn, New York. SHIPMENT 2 had been sent from the same address in Hong Kong as SHIPMENT 1.

6. SHIPMENT 2 was opened by CBP officials and found to contain approximately 19 credit cards. The cards were embossed with account numbers and names; 11 of the cards were in the name DERRICK WHITE, five of them were in the name SHAWANA KING, and two of them were in the name BENJAMIN RIVERS. The cards also had magnetic strips with account information. Investigation indicated that the account numbers embossed on the fronts of the credit cards and the magnetic strips from the back of the credit

cards from SHIPMENT 2 were linked to actual credit card accounts belonging to people other than DERRICK WHITE, SHAWANA KING, or BENJAMIN RIVERS.

7. On or about October 6, 2008, CBP officials in Alaska intercepted a third FedEx package ("SHIPMENT 3") addressed to Dwayne Wise at 868 Thomas S. Boyland Street, apartment 3R, Brooklyn, New York. SHIPMENT 3 had been sent from the same address in Hong Kong as SHIPMENT 1 and SHIPMENT 2.

8. SHIPMENT 3 was opened by CBP officials and found to contain approximately 25 credit cards. The cards were embossed with account numbers and names; 11 of the cards were in the name DERRICK WHITE, 10 of them were in the name SHAWANA KING, and two of them were in the name BENJAMIN RIVERS. The cards also had magnetic strips with account information. Follow up investigation indicated that the account numbers embossed on the fronts of the credit cards were linked to actual credit card accounts belonging to people other than DERRICK WHITE, SHAWANA KING, or BENJAMIN RIVERS. Unlike the credit cards in SHIPMENT 1 and SHIPMENT 2, the magnetic strips on the credit cards in SHIPMENT 3 were empty, meaning that in order to be used account information would have to be electronically transmitted, or "loaded," onto them.

THE FRAUDULENT CREDIT CARD PURCHASES

9. On or about September 23, 2008, a customer using

the name of SHAWANA KING used a Visa card bearing account number 4346 1800 0015 2756 to purchase \$1,516.17 worth of merchandise from an Apple Store located in Staten Island, New York ("KING APPLE STORE PURCHASE") The Visa card in the KING APPLE STORE PURCHASE matched an account number on one of the cards seized in SHIPMENT 1. The issuing bank is IBM Southeast Federal Employees Credit Union ("IBM SOUTHEAST"). IBM SOUTHEAST fraud investigators have identified this transaction as fraudulent.

10. On or about September 24, 2008, a customer using the name DERRICK WHITE used a Visa card bearing account number 4147 5004 3838 7891 to purchase \$433.41 worth of merchandise at an Apple Store located in Garden City, New York ("WHITE APPLE STORE PURCHASE"). The Visa card used in the WHITE APPLE STORE PURCHASE matched an account number on one of the cards seized in SHIPMENT 2. The issuing bank is Merrill Lynch; this transaction has also been identified as fraudulent.

11. On or about October 13, 2008, a Visa card bearing account number 4346 1800 0001 6399 and the name DERRICK WHITE was used to purchase \$2,103.52 worth of goods from a Burberry store in Manhasset, New York ("BURBERRY PURCHASE"). The goods appear to have primarily been items of women's clothing.

12. Also on or about October 13, 2008, the same Visa card from the BURBERRY PURCHASE was used to purchase \$733.22 worth of merchandise from a Louis Vuitton store in Manhasset, New

York ("LOUIS VUITTON PURCHASE").

13. Both the BURBERRY PURCHASE and the LOUIS VUITTON PURCHASE were subsequently found to be fraudulent as the Visa account in question did not belong to DERRICK WHITE and the charges were reported as fraudulent to the issuing bank, IBM SOUTHEAST. The Visa card used in the BURBERRY PURCHASE and the LOUIS VUITTON purchase matched one of the cards seized in SHIPMENT 3. According to IBM SOUTHEAST, this account does not belong to WHITE; it belongs to a customer in Boca Raton, Florida, and these transactions have been identified as fraudulent.

14. I have reviewed security video footage from the time and location of the BURBERRY PURCHASE. The video clearly shows a black male and black female shopping together and subsequently making the BURBERRY PURCHASE. This video has also been reviewed by Probation Officer Michael Imrek of United States Probation and Parole, Eastern District of New York ("the Probation Department"). Officer Imrek is DERRICK WHITE's federal probation officer and positively identified the male and female making the BURBERRY PURCHASE as DERRICK WHITE and SHAWANA KING, respectively.

15. I have also reviewed security video footage from the time and location of the LOUIS VUITTON PURCHASE. The video also clearly shows the same two individuals depicted in the video from the BURBERRY PURCHASE shopping together and making the LOUIS

VUITTON PURCHASE. This video was also reviewed by Officer Imrek, who has positively identified the male and female making the LOUIS VUITTON PURCHASE as DERRICK WHITE and SHAWANA KING, respectively.

16. On or about December 16, 2008, WHITE contacted Officer Imrek and told him that he was at a Home Depot located at 579 Gateway Drive, Brooklyn, New York and would be returning to his residence later than Officer Imrek had authorized. (As detailed further herein, WHITE is currently serving a six month term of house arrest and is electronically monitored by the Probation Department) Follow up investigation indicated that on December 16, 2008, a Mastercard bearing account number 5587 3900 0038 5828 was used to purchase \$205.81 from the Home Depot (the "HOME DEPOT PURCHASE"). This account number is issued by Comerica Bank and belongs to a commercial account of a customer in Palo Alto, California. I have reviewed security video from the time and location of the HOME DEPOT PURCHASE. The video clearly shows KING, WHITE, and Towana King, also known as Towana Rivers, making the purchase. SHAWANA KING is the person who swipes the card and signs for the purchase.

17. On or about October 16, 2008, several online orders from Best Buy were placed by a person identifying himself as BENJAMIN RIVERS utilizing a Visa card bearing account number 4640 1820 3412 0307 (the "BEST BUY PURCHASES"). These purchases

totaled over \$3,000.00; the card used in these online purchases matched the account number of a credit card from SHIPMENT 2. This merchandise was delivered to 1241 East 89th Street, Brooklyn, New York, on October 22, 2008 and was signed for by a "T. King." Based on my participation in this investigation, I believe that T. King is Towana King, the mother of SHAWANA KING and the girlfriend/spouse of RIVERS. The issuing bank for this account number is Chase and the BEST BUY PURCHASES were reported as fraudulent. Based on my review of records of Best Buy, the credit card account number used for the BEST BUY PURCHASES has been linked to a Best Buy gift card account number, leading me to believe that the credit card account number was used to purchase a Best Buy gift card as well.

18. On or about November 8, 2008, an order in the amount of \$65.85 from Domino's Pizza was charged to a Visa card bearing account number 4346 1800 0005 4416 (the "DOMINO'S PURCHASE"). According to Domino's records, this order was delivered to BENJAMIN RIVERS at 1241 East 89th Street, Brooklyn, New York. The credit card used in the DOMINO'S PURCHASE was also issued by IBM SOUTHEAST and this transaction has been identified as fraudulent.

19. On or about January 15, 2009, a telephonic purchase in the amount \$396.76 was made with Toys R Us, using Mastercard account number 5466 1600 5746 9353 ("the TOYS R US

PURCHASE"). The TOYS R US PURCHASE was delivered to 67 Milford Street, first floor left, Brooklyn, New York and signed for by BENJAMIN RIVERS. The credit card used in this purchase is issued by Citigroup and the investigation has indicated that this purchase was fraudulent.

BACKGROUND INFORMATION OF WHITE, KING, AND RIVERS

20. On September 11, 2008, DERRICK WHITE was sentenced in United States District Court, Southern District of Ohio, for a weapons offense. He was sentenced to six months house arrest and five years probation and is currently under the supervision of Probation Officer Michael Imrek of the Probation Department. WHITE's supervised release began on September 11, 2008 and expires on September 10, 2013. WHITE is currently on house arrest which is enforced through electronic monitoring.

21. According to the records of the Probation Department, WHITE resided at 1097 East 93rd Street, Brooklyn, New York, from September 11, 2008 to December 15, 2008. This is the same address to which SHIPMENT 2 (described in paragraph 5), addressed to WHITE, was sent.

22. On or about December 16, 2008, WHITE moved to 67 Milford Street, Brooklyn, New York ("the Milford Street address"). WHITE resides there with his girlfriend, SHAWANA KING; KING's mother, Towana King, also known as "Towana Rivers;" Towana King/Rivers' boyfriend/husband, BENJAMIN RIVERS; Ronald

King, the uncle of SHAWANA KING; and a small child.

23. On or about October 2, 2007, WHITE was arrested in Greenwich, Connecticut, for forgery charges related to fraudulent documents. SHAWANA KING and her mother, Towana King, were with WHITE at the time of this arrest. WHITE was convicted of this charge and is currently also under the supervision of Kings County Probation.

24. WHITE has identified SHAWANA KING as his girlfriend. KING has criminal history that includes a January 17, 2008 arrest in Suffolk County, New York for petit larceny and criminal possession of stolen property. At the time of this arrest, KING reported that her address was 1241 East 89 Street, Brooklyn, New York. This is the address to which SHIPMENT 1 (described in paragraph 3 above), which was addressed to KING, was addressed. It is also the same address to which the "BEST BUY PURCHASES" (described in paragraph 17 above) and the "DOMINO'S PURCHASE" (described in paragraph 18 above) were addressed. Both of these purchases were made by RIVERS. Based on my investigation, I believe that SHAWANA KING resided at the 1241 East 89th Street address with her mother and RIVERS until all three moved to the Milford Street address.

25. The Probation Department has identified BENJAMIN RIVERS as the boyfriend or husband of Towana King. RIVERS currently resides at the Milford Street. RIVERS has a criminal

history that includes an arrest for retail theft in Lebanon, Pennsylvania, in 2001. Prior to residing at the Milford Street address, RIVERS resided at 1241 East 89th Street, Brooklyn, New York, the same address to which SHIPMENT 1, addressed to SHAWANA KING, was sent and the same address used by RIVERS for the BEST BUY PURCHASES and the DOMINO'S PURCHASE. The fact that RIVERS resided at the 1241 East 89th Street address has been confirmed through a review of New York State Department of Motor Vehicle records and LexisNexis records.

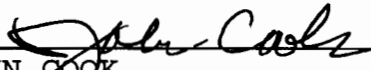
26. On or about December 16, 2008, Officer Imrek, in the course of his supervision of WHITE, conducted a check of the Milford Street address. During the course of this check, Officer Imrek observed the following items in the bedroom belonging to WHITE and KING: numerous bags of clothing and boxes of shoes, including the brand names Chanel, Burberry, Steve Madden, and Uggs); a Louis Vuitton bag on the bed; a Hewlett Packard computer with a 30 inch flat screen Apple monitor; a Samsung flat screen television set; and an Apple hard drive. Officer Imrek also observed other items in the residence, including a Hewlett Packard computer and a flat screen television set. According to Officer Imrek, none of the adults living at the Milford Street address are employed.

27. On or about January 27, 2009, Officer Imrek, again in the course of his supervision of WHITE, conducted a check of

the Milford Street address. During the course of this check, Officer Imrek observed expensive men's watches (one from Gucci) and diamond earrings on a desk in WHITE and KING's bedroom. When Officer Imrek asked KING who these items belonged to she responded that the watches belonged to her uncle, Ronald King (who also resides at the Milford Street address), and that the earrings belonged to WHITE. WHITE was also in the residence at the time of the check and provided contradictory answers regarding the ownership of the watches, saying that they belonged to him. Officer Imrek also observed an I-phone and a Google phone, as well as a new Sony HD video camera underneath a desk. KING also provided a different date of birth for BENJAMIN RIVERS than had been previously to Officer Imrek in the past.

WHEREFORE, your deponent respectfully requests that arrest warrants be issued for the defendants SHAWANA KING,

BENJAMIN RIVERS, and DERRICK WHITE, so that they may be dealt with according to law.



JOHN COOK
Special Agent
United States Secret Service

Sworn to before me this
5th day of February, 2009
